IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 87 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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COMMISSIONER OF INCOME TAX

Versus

ILAC LTD.

Appearance:

MR BB NAIK for MR MANISH R BHATT for Petitioner No. 1

NOTICE NOT RECD BACK for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 12/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

At the instance of the revenue, the following question has been referred to this court for its opinion by the Income Tax Appellate Tribunal, Ahmedabad Bench 'C' under the provisions of sec. 256(1) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

"Whether the Appellate Tribunal has been right in law and on facts in holding that the Commissioner of Income-tax had no jurisdiction to pass an order under section 263 of the I.T. Act, 1961 and hence his order was illegal?"

2. We have heard learned advocate Shri B.B. Naik appearing for the revenue. Nobody has appeared for the respondent company though notice of this court has been duly served upon the Official Liquidator as the respondent copany has been ordered to be wound up by this court.

3. Looking to the law laid down by this court in I.T.R. No. 120/86 decided on 9th July 29001, we answer the question in the negative, i.e. in favour of the revenue and against the assessee.

The reference stands disposed of accordingly with no order as to costs.

(A.R. Dave, J.)

(D.A. Mehta, J.)

(hn)